

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 3:00 p.m., September 30, 2002  
PLACE: Building 3, Room 100, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, FL 32399-0700, (850)488-3090  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE TITLE: Food Stamp Program Issuance  
RULE NO.: 65A-1.604

PURPOSE AND EFFECT: Section 409.942, F.S., established the Electronic Benefit Transfer (EBT) program. EBT electronically provides state administered cash and food stamp benefits to eligible participants. This proposed rule amendment changes food stamp benefit issuance to describe and include the Electronic Benefit Transfer (EBT) program in rule. This program allows a participant to authorize the transfer of government benefits from a federal or state account to a retailer account by using a machine-readable card to pay for products received.

SUBJECT AREA TO BE ADDRESSED: This rule amendment updates the process used to issue food stamp benefits by describing and including the Electronic Benefit Transfer (EBT) program in rule. Under the statewide Electronic Benefit Transfer program, a participant authorizes transfer of government benefits from a federal or state account to a retailer account by using a machine-readable card to pay for products received.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 409.942, 414.31 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 p.m., September 30, 2002  
PLACE: Building 3, Room 100, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, FL 32399-0700, (850)488-3090  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE CHAPTER TITLE: Temporary Cash Assistance  
RULE CHAPTER NO.: 65A-4

RULE TITLE: Family Cap Requirements  
RULE NO.: 65A-4.214

PURPOSE AND EFFECT: This proposed amendment deletes a portion of the Family Cap policy that has been removed from state law.

SUBJECT AREA TO BE ADDRESSED: This rule amendment deletes date of conception exceptions to the Family Cap requirements. The statutory base for this policy no longer exists.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.115 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

TIME AND DATE: 10:00 a.m., September 30, 2002  
PLACE: Building 3, Room 100, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, FL 32399-0700, telephone (850)488-3090

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II  
Proposed Rules**

**DEPARTMENT OF STATE**

**Division of Library and Information Services**

RULE TITLE: Library Grant Programs  
RULE NO.: 1B-2.011

PURPOSE, EFFECT AND SUMMARY: The proposed amendment revises the guidelines and forms for the Public Library Construction grant program. Guidelines for this grant program are outlined in the application packet that contain information on eligibility requirements, application and review procedures, evaluation and funding criteria, grant administration procedures and application forms.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for lower cost regulatory alternative, must do so within 21 days of this notice.

SPECIFIC AUTHORITY: 257.14, 257.191 FS.

LAW IMPLEMENTED: 257.14, 257.191 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW: (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD).

TIME AND DATE: 9:00 a.m., October 14, 2002

PLACE: Board Room, State Library of Florida, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barratt Wilkins, Director, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)245-6600, Suncom 205-6600

THE FULL TEXT OF THE PROPOSED RULE IS:

1B-2.011 Library Grant Programs.

(1) through (2)(a) No change.

(b) The Library Construction Grant Guidelines and Application, effective 4-1-98, Amended 2-14-99 which contain instructions, grant application (Form # DLIS/PLC01), effective 4-1-98, Amended 2-14-99, Amended 4-4-00, Amended 12-18-00, Amended \_\_\_\_\_; Payment Request #1 (DLIS/PLC02) effective \_\_\_\_\_; Payment Request #2 (DLIS/PLC03) effective \_\_\_\_\_; Payment Request #3 (DLIS/PLC04) effective \_\_\_\_\_; Payment Request #4 (DLIS/PLC05) effective \_\_\_\_\_; and Closeout Report (DLIS/PLC06) effective \_\_\_\_\_;

(c) through (f) No change.

(3) through (4) No change.

Specific Authority 257.14, 257.191, 257.192, 257.24, 257.41(2) FS. Law Implemented 240.5186, 257.12, 257.14, 257.15, 257.16, 257.17, 257.171, 257.172, 257.18, 257.19, 257.191, 257.192, 257.195, 257.21, 257.22, 257.23, 257.24, 257.25, 257.40, 257.41, 257.42 FS. History—New 1-25-93, Amended 7-17-96, 4-1-98, 2-14-99, 4-4-00, 12-18-00, 11-20-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Marian Deeney

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Barratt Wilkins, Director, Division of Library and Information Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 4, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 21, 2002

**LAND AND WATER ADJUDICATORY COMMISSION**

**Gateway Services District**

RULE CHAPTER TITLE: Gateway Services Community

RULE CHAPTER NO.: 42F-1

Development District

42F-1

RULE TITLE: Boundary

RULE NO.: 42F-1.002

Boundary

42F-1.002

PURPOSE, EFFECT AND SUMMARY: The purpose of the proposed rule amendment is to amend the boundaries of the Gateway Services Community Development District (District). The petition to amend the District’s boundaries submitted by the Board of Supervisors of the District requests that the Florida Land and Water Adjudicatory Commission amend Chapter 42F-1, Florida Administrative Code, to contract approximately 973 acres from the existing boundaries. A Notice of Receipt of Petition for the District was published in the May 17, 2002, edition of the Florida Administrative Weekly. After contraction, the District will consist of approximately 4,501 acres. (At the time the petition was filed, the District was known as the “Gateway Services District” consisting of approximately 5,324 acres. However, on July 29, 2002, a rule amendment became effective expanding the District to approximately 5,474 acres and renaming the District as the “Gateway Services Community Development District.”) All of the property proposed to be contracted out of the District is located within the City of Fort Myers, Florida. The proposed area to be contracted consists of three parcels generally located in the southeast portion of the City of Fort Myers, south of Colonial Boulevard and bisected by Interstate 75, in sections 34 and 35, township 44 south, range 25 east and sections 2, 3, 4, 10 and 11 of township 45 south, range 25 east. The District has obtained the consent of the owners of 100% of the property proposed to be deleted from the District.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The statement of estimated regulatory costs (SERC) supports the petition to amend the District. The complete text of the SERC is contained as Exhibit 6 to the petition to amend the boundaries of the District. The scope of the SERC is limited to evaluating the regulatory cost consequences of approving the proposal to amend the District. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number and types of individuals likely to be required to comply with the rule or who will be affected; (b) a good faith estimate of the costs to any state and local government entities of implementing and enforcing the proposed rule, and any anticipated affect on state and local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities; (d) an analysis of the impact on small businesses, small counties, and small cities; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under paragraph (1)(a) and either a statement adopting the alternative or a

statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the principal entities that are likely to be required to comply with the rule include the District, the State of Florida, Lee County and the City of Fort Myers. Under section (b), the FLWAC and State of Florida incur minimal one-time administrative costs. Lee County and the City of Fort Myers also incurred minimal administrative costs that should be fully offset by the filing fees paid (\$1,500 to each Lee County and the City of Fort Myers). Adoption of the proposed rule amendment to approve amending the boundaries of the District is not anticipated to cause any significant impact on State and local revenues. Addressing section (c), those individuals or businesses who may ultimately reside or operate on the lands to be contracted from the District will not be required to pay District assessments and fees over and above their City and other local taxes. Under section (d), approval of the petition to amend the District boundaries will have only an incidental impact on small businesses. Also, impacts on small counties and cities as defined in Section 120.52, F.S., is not expected as Lee County is not a small county and the City of Fort Myers is not a small city, as defined. Addressing section (e), the Statement of Estimated Regulatory Costs was prepared based on a straightforward application of economic theory, especially as it relates to tracking the incidence of costs and benefits.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 190.005, 190.046 FS.

LAW IMPLEMENTED: 190.004, 190.005, 190.046 FS.

IF REQUESTED WITHIN TWENTY-ONE (21) DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, A HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m. – Noon, Thursday, October 10, 2002

PLACE: Room 1702G, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty at (850)487-1884 at least 2 business days in advance to make appropriate arrangements.

THE PERSONS TO BE CONTACTED REGARDING THE PROPOSED RULE ARE: Erin McCormick Larrinaga, Fowler White Boggs Banker, P.A., Suite 1700, 501 E. Kennedy Boulevard, Tampa, Florida 33602, telephone (813)222-1180, or Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884

THE FULL TEXT OF THE PROPOSED RULE IS:

42F-1.002 Boundary.

The boundaries of the district are as follows:

A tract or parcel of land lying Section 35, Township 44 South, Range 25 East and in Sections 1, 2, 3, 4, 10, 11 and 12, Township 45 South, Range 25 East; Section 31, Township 44 South, Range 26 East and in Sections 5, 6, 7, 8, 17, 18 and 19, Township 45 South, Range 26 East, Lee County, Florida, more particularly described as follows:

Beginning at the southwest corner of said Section 35 run N 00° 47' 42" W along the west line of the southwest quarter (SW 1/4) of said Section for 2643.18 feet to the quarter corner on the west line of said section; thence run N 00° 43' 47" W along the west line of the northwest quarter (NW 1/4) of said Section for 1361.42 feet; thence run N 35° 45' 29" E for 947.82 feet; thence run N 56° 15' 44" E for 690.61 feet to the south line of the Colonial Boulevard right of way (State Road 884) (250 feet wide); thence run S 89° 38' 27" E along said south line for 2763.96 feet to an intersection with the west line of the northeast quarter (NE 1/4) of the northeast quarter (NE 1/4) of said Section; thence run S 02° 16' 01" E along said west line for 1,168.38 feet to the southwest corner of said fraction; thence run N 89° 54' 24" E along the south line of said fraction for 1324.86 feet to the southeast corner of said fraction; thence run S 03° 20' 25" E for 1284.37 feet to the quarter corner on the east line of said Section; thence run S 00° 01' 59" E along said east line for 2635.65 feet to the northwest corner of said Section 1; thence run N 89° 28' 42" E along the north line of the northwest quarter (NW 1/4) of said Section 1 for 2,642.98 feet to the quarter corner on said north line; thence run S 89° 57' 06" E along the north line of the northeast quarter (NE 1/4) of said Section 1 for 2523.38 feet to the northeast corner of said Section; thence run N 00° 57' 01" W along the west line of said Section 31 for 2644.12 feet to the quarter corner on said west line; thence run N 00° 35' 02" W along said west line of said Section 31 for 1705.47 feet to an intersection with the southwesterly line of Immokalee Road (State Road 82) (200 feet wide); thence run S 46° 07' 29" E along said southwesterly line for 6215.51 feet to an intersection with the south line of said Section 31; thence continue S 46° 07' 29" E along said southwesterly line for 1227.27 feet to an intersection with a line common to said Sections 5 and 6; thence continue S 46° 07' 29" E along said southwesterly line for 1535.36 feet to a point of curvature; thence run Southeasterly along said southwesterly line along the arc of a curve to the left of radius 5824.88 feet (delta 18° 13' 21") (chord bearing S 55° 14' 10" E) (chord 1844.76 feet) for 1852.55 feet to a point of tangency; thence continue along said southwesterly line S 64° 20' 50" E for 22.21 feet to an intersection with the east line of the west half (W 1/2) of said Section 5; thence run S 00° 06' 33" E along said east line for 2271.81 feet to the quarter corner common to said Sections 5 and 8; thence run S 01° 02' 00" E along the east line of the west half (W 1/2) of said Section 8 for

3,028.35 feet; thence run N 89° 33' 57" E for 605.03 feet; thence run S 01° 02' 00" E for 1800.10 feet; thence run S 89° 33' 57" W for 605.03 feet; thence run S 01° 02' 00" E for 500.03 feet to the quarter corner common to said Sections 8 and 17; thence run S 01° 00' 12" E along the east line of the northwest quarter (NW-1/4) of said Section 17 for 926.76 feet to an intersection with the northeasterly line of a Florida Power and Light Company substation site as described in deed recorded in Official Record Book 1606 at Page 1286 of the Lee County Records; thence run N 37° 57' 04" W along said northeasterly line for 361.70 feet; thence run S 52° 02' 56" W along the northwesterly line of said Site for 361.70 feet; thence run S 37° 57' 04" E along the southwesterly line of said Site for 741.48 feet to an intersection with the northwesterly line of Daniels Road Extension (200 feet wide) as described in deed recorded at Official Record Book 1644 at Page 1739 of the Lee County Records; thence run N 68° 38' 13" E along said northwesterly line for 64.84 feet to an intersection with said easterly line of said northwest quarter (NW-1/4) of said Section 17; thence run S 01° 00' 12" E along said east line for 1238.52 feet to the southeast corner of said fraction; thence run S 89° 30' 38" W along the south line of said fraction and the north line of the Southwest Florida Regional Airport for 2110.83 feet to an intersection with the southeasterly line of said Daniels Road Extension; thence run S 54° 00' 05" W through said Sections 17, 18 and 19 along the southeasterly line of a road right-of-way (200 feet wide) for 7032.17 feet to an intersection with the west line of said Section 19; thence run N 00° 55' 36" W along said west line for 1,477.45 feet to the northwest corner of said Section; thence run N 00° 54' 13" W along the west line of the southwest quarter (SW-1/4) of said Section 18 for 2,643.95 feet to the quarter corner on said west line; thence run N 00° 39' 39" W along the west line of the northwest quarter (NW-1/4) of said Section 19 for 2,647.35 feet to the northwest corner of said Section; thence run N 00° 57' 26" W along the west line of the southwest quarter (SW-1/4) of said Section 7 for 2,645.34 feet to the quarter corner common to said Sections 7 and 12; thence run S 89° 55' 12" W along the south line of the northeast quarter (NE-1/4) of said Section 12 for 2,524.67 feet to the west line of the east 2,524.14 feet of said northeast quarter (NE-1/4); thence run N 01° 05' 33" W along said west line for 2,646.07 feet to the south line of said Section 1; thence run S 89° 56' 14" W along said south line for 2,663.19 feet to the southwest corner of said Section, passing through the quarter corner on the south line of said Section at 69.26 feet; thence run S 89° 03' 50" W along the south line of said Section 2 for 2645.12 feet to the quarter corner on said south line; thence run S 00° 08' 50" E line of the northwest quarter (NW-1/4) of said Section 11 for 2670.22 feet to the center of said Section; thence run S 88° 33' 56" W along the south line of said northwest quarter (NW-1/4) for 2745.77 feet to the quarter corner on the west line of said Section 11; thence run S 89° 29' 50" W along the south line of the northeast quarter (NE-1/4) of said Section 10 for 2546.16 feet to the

center of said Section; thence run N 00° 06' 58" W along the west line of said northeast quarter (NE-1/4) for 2668.79 feet to the quarter corner on the north line of said Section; thence run S 88° 57' 32" W along the south line of said Section 3 for 2649.25 feet to the southwest corner of said Section; thence run S 88° 54' 32" W along the south line of said Section 4 for 2059.99 feet to an intersection with the southeasterly line of the Six Mile Cypress Acquisition Area; thence run Northeasterly along said southeasterly line the following courses and distances: N 31° 38' 21" E for 261.19 feet; N 01° 23' 47" W for 277.78; N 37° 53' 18" E for 246.16 feet; N 18° 15' 00" E for 91.84 feet; N 56° 35' 37" E for 169.92 feet; N 85° 38' 45" E for 379.20 feet; N 70° 16' 34" E for 105.12 feet; N 06° 16' 12" E for 108.95 feet; N 89° 11' 29" E for 322.80 feet; N 71° 11' 39" E for 95.05 feet; N 55° 29' 43" E for 156.24 feet; S 86° 54' 42" E for 285.36 feet; N 55° 11' 00" E for 58.82 feet; N 73° 00' 08" E for 140.00 feet; N 54° 05' 49" E for 115.77 feet; N 10° 34' 05" E for 104.79 feet; N 24° 05' 57" E for 100.09 feet; N 67° 22' 01" E for 230.59 feet; S 85° 03' 28" E for 211.24 feet; N 05° 10' 02" E for 54.09 feet; N 27° 24' 58" E for 106.63 feet; N 10° 08' 05" E for 139.90 feet; N 44° 41' 11" E for 147.83 feet; N 62° 35' 02" W for 105.53 feet; N 23° 59' 48" E for 476.74 feet; N 15° 42' 08" E for 368.41 feet; N 20° 55' 23" E for 222.23 feet; N 45° 09' 19" E for 183.23 feet; N 31° 07' 36" E for 305.01 feet; N 32° 55' 08" E for 155.78 feet; N 17° 03' 28" E for 110.45 feet; N 26° 26' 47" E for 300.81 feet; N 18° 42' 17" E for 150.86 feet; N 04° 51' 19" W for 340.19 feet; N 12° 09' 34" E for 251.79 feet; N 27° 12' 34" E for 210.15 feet; N 14° 53' 31" E for 323.53 feet and N 35° 18' 42" E for 275.49 feet to an intersection with the north line of said Section 3; thence run N 88° 37' 17" E along said north line for 530.84 feet to an intersection with the westerly line of State Road No. 93 (Interstate 75) (324 feet wide); thence run S 14° 49' 52" E along said westerly line for 677.99 feet to an intersection with the east line of the northwest quarter (NW-1/4) of said Section 3; thence run S 00° 49' 04" E along said east line for 1299.77 feet to the northwest corner of the west half (W-1/2) of the southwest quarter (SW-1/4) of the northeast quarter (NE-1/4) of said section; thence run N 88° 12' 52" E along the north line of said fraction for 323.06 feet to an intersection with said westerly line of State Road No. 93; thence run S 14° 49' 52" E along said westerly line for 2.67 feet to an intersection with the east line of said fraction; thence run S 00° 37' 05" E along said east line for 650.21 feet to the southeast corner of said fraction; thence run N 88° 09' 46" E along the north line of the southeast quarter (SE-1/4) of said Section 3 for 2250.18 feet to the quarter corner common to said Sections 2 and 3; thence run N 00° 47' 03" E along the west line of the northwest quarter (NW-1/4) of said Section 2 for 2605.26 feet to the Point of Beginning.

Less and except all that part of the right-of-way for State Road No. 93 (Interstate 75) lying within the southeast quarter (SE-1/4) of Section 3 and within the northeast quarter (NE-1/4)

of Section 10, Township 45 South, Range 25 East, Lee County, Florida, as more particularly described in the petition for this rule. Containing 5,474 acres, more or less.

DESCRIPTION OF A PARCEL OF LAND LYING IN SECTION 35, TOWNSHIP 44 SOUTH RANGE 25 EAST, AND SECTIONS 1,2,3,11 AND 12 TOWNSHIP 45 SOUTH, RANGE 25 EAST, AND SECTION 31, TOWNSHIP 44 SOUTH, RANGE 26 EAST, AND SECTIONS 5,6,7,8,17,18 AND 19, TOWNSHIP 45 SOUTH, RANGE 26 EAST LEE COUNTY, FLORIDA (NEW DISTRICT BOUNDARY) PARCEL "A" A TRACT OR PARCEL OF LAND LYING IN SECTION 35 TOWNSHIP 44 SOUTH, RANGE 25 EAST, SECTIONS 1, 2, 11 AND 12, TOWNSHIP 45 SOUTH, RANGE 25 EAST; SECTION 31, TOWNSHIP 44 SOUTH, RANGE 26 EAST AND IN SECTIONS 5, 6, 7, 8, 17, 18 AND 19, TOWNSHIP 45 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 35 RUN N 00°47'42" W ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION FOR 2643.18 FEET TO THE QUARTER CORNER ON THE WEST LINE OF SAID SECTION; THENCE RUN N 00°43'47" W ALONG THE WEST LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION FOR 1361.42 FEET; THENCE RUN N 35°45'29" E FOR 947.82 FEET; THENCE RUN N 56°15'44" E FOR 690.61 FEET TO THE SOUTH LINE OF THE COLONIAL BOULEVARD RIGHT-OF-WAY (STATE ROAD 884) (250 FEET WIDE); THENCE RUN S 89°38'27" E ALONG SAID SOUTH LINE FOR 539.91 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 89°38'27" E ALONG SAID SOUTH LINE FOR 2224.05 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION; THENCE RUN S 02°16'01" E ALONG SAID WEST LINE FOR 1168.38 FEET TO THE SOUTHWEST CORNER OF SAID FRACTION; THENCE RUN N 89°54'24" E ALONG THE SOUTH LINE OF SAID SECTION FOR 1324.86 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE RUN S 03°20'25" E FOR 1284.37 FEET TO THE QUARTER CORNER ON THE EAST LINE OF SAID SECTION; THENCE RUN S 00°01'59" E ALONG SAID EAST LINE FOR 2635.65 FEET TO THE NORTHWEST CORNER OF SAID SECTION 1; THENCE RUN N 89°28'42" E ALONG THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 1 FOR 2642.98 FEET TO THE QUARTER CORNER ON SAID NORTH LINE; THENCE RUN S 89°57'06" E ALONG THE NORTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 1 FOR 2523.38 FEET TO THE NORTHEAST CORNER OF SAID SECTION; THENCE RUN N 00°57'01" W ALONG THE WEST LINE OF SAID SECTION 31 FOR 2644.12

FEET TO THE QUARTER CORNER ON SAID WEST LINE; THENCE RUN N 00°35'02" W ALONG SAID WEST LINE OF SAID SECTION 31 FOR 1705.47 FEET TO AN INTERSECTION WITH THE SOUTHWESTERLY LINE OF IMMOKALEE ROAD (STATE ROAD 82) (200 FEET WIDE); THENCE RUN S 46°07'29" E ALONG SAID SOUTHWESTERLY LINE FOR 6215.51 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID SECTION 31; THENCE CONTINUE S 46°07'29" E ALONG SAID SOUTHWESTERLY LINE FOR 1227.27 FEET TO AN INTERSECTION WITH A LINE COMMON TO SAID SECTIONS 5 AND 6; THENCE CONTINUE S 46°07'29" E ALONG SAID SOUTHWESTERLY LINE FOR 1535.36 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 5824.88 FEET (DELTA 18°13'21") (CHORD BEARING S 55°14'10" E) (CHORD 1844.76 FEET) FOR 1852.55 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID SOUTHWESTERLY LINE S 64°20'50" E FOR 22.21 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE WEST HALF (W 1/2) OF SAID SECTION 5; THENCE RUN S 00°06'33" E ALONG SAID EAST LINE FOR 2271.81 FEET TO THE QUARTER CORNER COMMON TO SAID SECTIONS 5 AND 8; THENCE RUN S 01°02'00" E ALONG THE EAST LINE OF THE WEST HALF (W 1/2) OF SAID SECTION 8 FOR 3028.35 FEET; THENCE RUN N 89°33'57" E FOR 605.03 FEET; THENCE RUN S 01°02'02" E FOR 1800.10 FEET; THENCE S 89°33'57" W FOR 605.03 FEET; THENCE RUN S 01°02'00" E FOR 500.03 FEET TO THE QUARTER CORNER COMMON TO SAID SECTIONS 8 AND 17; THENCE RUN S 01°00'12" E ALONG THE EAST LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 17 FOR 926.76 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY LINE OF A FLORIDA POWER & LIGHT COMPANY SUBSTATION SITE AS DESCRIBED IN DEED RECORDED IN OFFICIAL RECORD BOOK 1606 AT PAGE 1286, LEE COUNTY RECORDS; THENCE RUN N 37°57'04" W ALONG SAID NORTHEASTERLY LINE FOR 361.70 FEET; THENCE RUN S 52°02'56" W ALONG THE NORTHWESTERLY LINE OF SAID SITE FOR 361.70 FEET; THENCE RUN S 37°57'04" E ALONG THE SOUTHWESTERLY LINE OF SAID SITE FOR 741.48 FEET TO AN INTERSECTION WITH THE NORTHWESTERLY LINE OF DANIELS ROAD EXTENSION (200 FEET WIDE) AS DESCRIBED IN DEED RECORDED IN OFFICIAL RECORD BOOK 1644 AT PAGE 1739, LEE COUNTY RECORDS; THENCE RUN N 68°38'13" E ALONG SAID NORTHWESTERLY LINE FOR 64.84 FEET TO AN INTERSECTION WITH SAID EASTERLY LINE OF SAID NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 17; THENCE RUN S 01°00'12" E ALONG SAID EAST LINE FOR 1238.52 FEET

TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE RUN S 89°30'38" W ALONG THE SOUTH LINE OF SAID FRACTION AND A NORTH LINE OF THE SOUTHWEST FLORIDA REGIONAL AIRPORT FOR 2110.83 FEET TO AN INTERSECTION WITH THE SOUTHEASTERLY LINE OF SAID DANIELS ROAD EXTENSION; THENCE RUN S 54°00'05" W THROUGH SAID SECTIONS 17, 18, AND 19 ALONG THE SOUTHEASTERLY LINE OF A ROAD RIGHT-OF-WAY (200 FEET WIDE) FOR 7032.17 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID SECTION 19; THENCE RUN N 00°55'36" W ALONG SAID WEST LINE FOR 1477.45 FEET TO THE NORTHWEST CORNER OF SAID SECTION; THENCE RUN N 00°54'13" W ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 18 FOR 2643.95 FEET TO THE QUARTER CORNER OF SAID WEST LINE; THENCE RUN N 00°39'39" W ALONG THE WEST LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 18 FOR 2647.35 FEET TO THE NORTHWEST CORNER OF SAID SECTION; THENCE RUN N 00°57'26" W ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 7 FOR 2645.34 FEET TO THE QUARTER CORNER COMMON TO SAID SECTIONS 7 AND 12; THENCE RUN S 89°55'12" W ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 12 FOR 2524.67 FEET TO THE WEST LINE OF THE EAST 2524.14 FEET OF SAID NORTHEAST QUARTER (NE 1/4); THENCE RUN N 01°05'33" W ALONG SAID WEST LINE FOR 2646.07 FEET TO THE SOUTH LINE OF SAID SECTION 1; THENCE RUN S 89°56'14" W ALONG SAID SOUTH LINE FOR 2663.19 FEET TO THE SOUTHWEST CORNER OF SAID SECTION, PASSING THROUGH THE QUARTER CORNER ON THE SOUTH LINE OF SAID SECTION AT 69.26 FEET; THENCE RUN S 89°03'50" W ALONG THE SOUTH LINE OF SAID SECTION 2 FOR 3096.18 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF PROPOSED TREELINE BOULEVARD; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING BEARING AND DISTANCES: THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2625.00 FEET (DELTA 29°13'02") (CHORD BEARING S 15°09'16" W) (CHORD 1324.12 FEET) FOR 1338.58 FEET TO A POINT OF TANGENCY; THENCE RUN S 29°45'46" W FOR 618.63 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1487.50 FEET (DELTA 28°50'26") (CHORD BEARING S 15°20'33" W) (CHORD 740.87 FEET) FOR 748.75 FEET TO A POINT OF TANGENCY; THENCE RUN S 00°55'22" W FOR 166.10 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 11; THENCE RUN S 88°33'56" W ALONG SAID LINE FOR 125.11 FEET TO

AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY OF PROPOSED TREELINE BOULEVARD; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING BEARING AND DISTANCES: THENCE RUN N 00°55'22" E FOR 171.23 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1612.50 FEET (DELTA 28°50'26") (CHORD BEARING N 15°20'33" E) (CHORD 803.13 FEET) FOR 811.67 FEET TO A POINT OF TANGENCY; THENCE N 29°45'46" E FOR 618.63 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2500.00 FEET (DELTA 33°36'51") (CHORD BEARING N 12°57'22" W) (CHORD 1445.75 FEET) FOR 1466.69 FEET TO A POINT OF TANGENCY; THENCE N 03°51'03" W FOR 959.31 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2800.06 FEET (DELTA 10°24'15") (CHORD BEARING N 01°21'04" E) (CHORD 507.76 FEET) FOR 508.45 FEET TO A POINT OF TANGENCY; THENCE N 06°33'12" E FOR 1166.54 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1000.00 FEET (DELTA 43°02'49") (CHORD BEARING N 14°58'12" W) (CHORD 733.76 FEET) FOR 751.31 FEET TO A POINT OF TANGENCY; THENCE N 36°29'36" W FOR 266.36 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2000.00 FEET (DELTA 37°40'00") (CHORD BEARING N 17°39'36" W) (CHORD 1291.27 FEET) FOR 1314.81 FEET TO A POINT OF TANGENCY; THENCE N 01°10'24" E FOR 245.33 FEET; THENCE S 89°25'36" W LEAVING SAID WEST LINE FOR 114.67 FEET TO A POINT ON THE EAST LINE OF TREELINE BOULEVARD (TO BE RE-ALIGNED) AS DESCRIBED IN OFFICIAL RECORD BOOK 1529 BEGINNING AT PAGE 412 OF THE PUBLIC RECORDS OF LEE COUNTY; THENCE N 00°02'17" W FOR 68.31 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SECTION 34, TOWNSHIP 44 SOUTH, RANGE 25 EAST; THENCE N 01°00'06" W ALONG SAID EAST LINE OF TREELINE BOULEVARD (TO BE RE-ALIGNED) FOR 2642.68 FEET; THENCE N 00°58'02" W ALONG SAID EAST LINE OF TREELINE BOULEVARD (TO BE RE-ALIGNED) FOR 1048.01 FEET TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1050.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS S 47°49' 01" E; SAID POINT ALSO BEING ON THE EAST LINE OF A ROAD RIGHT-OF-WAY AS DESCRIBED IN OFFICIAL RECORD BOOK 2581 BEGINNING AT PAGE 4060 OF THE LEE COUNTY RECORDS; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1050.00 FEET (DELTA 41°49'26") (CHORD BEARING N 21°16'16" E) (CHORD 749.56 FEET) FOR 766.46 FEET TO A POINT

OF TANGENCY; THENCE N 00°21'33" E ALONG SAID EAST LINE FOR 721.50 FEET; THENCE N 45°21'33" E FOR 42.68 FEET TO THE POINT OF BEGINNING. CONTAINING 4,390 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN) BEARINGS ARE BASED ON THE NORTH LINE OF SECTION 10, TOWNSHIP 45 SOUTH, RANGE 25 EAST AS BEARING S88°57'32"W. TOGETHER WITH:

DESCRIPTION  
SECTION 3, TOWNSHIP 45 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA  
PARCEL "B"

A TRACT OR PARCEL OF LAND LYING IN SECTION 3, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 3 RUN N 88°37'17" E ALONG THE NORTH LINE OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 3 FOR 2477.68 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75 (I-75) (STATE ROAD NO. 93) (324 FEET WIDE) AND THE POINT OF BEGINNING; THENCE RUN S 14°49'52" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 677.94 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 3; THENCE RUN S 00°49'05" E ALONG SAID EAST LINE FOR 1299.77 FEET TO THE NORTHWEST CORNER OF THE WEST HALF (W 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION; THENCE RUN N 88°12'52" E ALONG THE NORTH LINE OF SAID FRACTION FOR 323.06 FEET TO AN INTERSECTION WITH SAID WESTERLY LINE OF STATE ROAD NO. 93; THENCE RUN S 14°49'52" E ALONG SAID WESTERLY LINE FOR 2.67 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID FRACTION; THENCE RUN S 00°37'05" E ALONG SAID EAST LINE FOR 650.21 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE RUN N 88°09'46" E ALONG THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 3 FOR 163.88 FEET TO AN INTERSECTION WITH SAID WESTERLY RIGHT-OF-WAY LINE; THENCE RUN S 14°49'52" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 1474.99 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHERLY ALONG AN ARC OF A CURVE TO THE RIGHT OF RADIUS 22800.31 FEET (CHORD BEARING S 13°33'28" E) (CHORD 1013.23 FEET) (DELTA 02°32'47") FOR 1013.31

FEET TO A POINT ON A NON-TANGENT LINE; THENCE RUN N 82°23'52" W FOR 122.32 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE RUN NORTHERLY ALONG AN ARC OF A CURVE TO THE LEFT OF RADIUS 22685.31 FEET (CHORD BEARING N 13°36'38" W) (CHORD 966.55 FEET) (DELTA 02°26'29") FOR 966.63 FEET TO A POINT OF TANGENCY; THENCE RUN N 14°49'52" W FOR 542.01 FEET TO A POINT OF CURVATURE; THENCE RUN NORTHWESTERLY ALONG AN ARC OF A CURVE TO THE LEFT OF RADIUS 250.00 FEET (CHORD BEARING N 54°04'24" W) (CHORD 316.30 FEET) (DELTA 78°29'05") FOR 342.45 FEET TO A POINT OF TANGENCY; THENCE RUN S 86°41'03" W FOR 1133.06 FEET; THENCE RUN N 02°10'37" W FOR 387.06 FEET; THENCE RUN N 87°40'37" W FOR 838.00 FEET; THENCE RUN N 01°19'23" E FOR 243.00 FEET; THENCE RUN S 88°09'46" W FOR 190.18 FEET TO AN INTERSECTION WITH THE SOUTHEASTERLY LINE OF SIX MILE CYPRESS PRESERVE, AS RECORDED IN OFFICIAL RECORD BOOK 1741 AT PAGE 1241 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN THE FOLLOWING FIFTEEN (13) COURSES ALONG SAID SOUTHEASTERLY LINE:

- N 15°42'08" E FOR 184.34 FEET;
- N 20°55'23" E FOR 222.23 FEET;
- N 45°09'19" E FOR 183.23 FEET;
- N 31°07'36" E FOR 305.01 FEET;
- N 32°55'08" E FOR 155.78 FEET;
- N 17°03'28" E FOR 110.45 FEET;
- N 26°26'47" E FOR 300.81 FEET;
- N 18°42'17" E FOR 150.86 FEET;
- N 04°51'19" W FOR 340.19 FEET;
- N 12°09'34" E FOR 251.79 FEET;
- N 27°12'34" E FOR 210.15 FEET;
- N 14°53'31" E FOR 323.53 FEET;

N 35°18'42" E FOR 275.49 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 3; THENCE RUN N 88°37'17" E ALONG SAID NORTH LINE FOR 530.87 FEET TO THE POINT OF BEGINNING.

CONTAINING 111.14 ACRES, MORE OR LESS. TOTAL AREA FOR BOTH PARCELS 4,501.14 ACRES, MORE OR LESS.

BEARINGS HEREINABOVE MENTIONED ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 3 TO BEAR N 88°37'17" W WHICH BEARING IS DERIVED FROM PLANE COORDINATE FOR THE FLORIDA WEST ZONE (1979 ADJUSTMENT).

Specific Authority 120.53(1), 190.005, 190.046 FS. Law Implemented 190.004, 190.005, 190.046 FS. History--New 5-22-86, Amended 7-29-02.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Teresa Tinker, Florida Land and Water Adjudicatory Commission, Room 1703, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 3, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 30, 2002

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE CHAPTER TITLE: Statewide Provider and Health Plan  
RULE CHAPTER NO.: 59A-12.030

PURPOSE AND EFFECT: The purpose of this rule amendment is to implement the 2002 legislative changes to Chapter 408.7057, F.S., the Statewide Provider and Managed Care Organization Claim Dispute Resolution Program.

SUMMARY: The agency is proposing an amendment to Rule 59A-12.030, F.A.C., based on legislative changes to the law. Chapter 408.7057, F.S., was amended changing the title of the program to Statewide Provider and Health Plan Claim Dispute Resolution Program, adding carriers of major medical expense health insurance policies as defined in Section 627.643(2)(e), F.S., group and individual health insurers licensed pursuant to Chapter 624, F.S., and preferred provider organizations licensed under Chapter 627.6471, F.S., to the listing of insurers that may access the dispute resolution program. In addition, the legislation specifies timeframes for submission of documentation to the dispute resolution program, and authorizes the dispute resolution program to enter a default decision if the requested information is not provided within the timeframes specified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 408.7057(7) FS.

LAW IMPLEMENTED: 408.7057 FS.

Written comments or suggestions on the proposed rule may be submitted to the Bureau of Managed Health Care within 21 days after the date of this notice for inclusion in the record of the proceeding.

IF REQUESTED WITHIN 21 DAYS OF THIS NOTICE, A PUBLIC HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m. – 1.00 p.m., October 7, 2002

PLACE: Agency for Health Care Administration, Building 3, Conference Room E, 2727 Mahan Drive, Tallahassee, Florida 32308

Pursuant to the provisions of the American with Disabilities Act, any person requiring special accommodations, to participate in the hearing, please advise the Agency at least 5 calendar days before the hearing by contacting Jane Ross, (850)922-6830.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elfie Stamm, Senior Management Analyst, Bureau of Managed Health Care, Building 1, 2727 Mahan Drive, Mailstop 26, Tallahassee, Florida 32308, phone (850)417-0640

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-12.030 Statewide Provider and ~~Health Plan Managed Care Organization~~ Claim Dispute Resolution Program.

(1) Definitions.

(a) “Disputed Claim” means a claim that has been submitted by a provider to the ~~health plan managed care organization~~ or by a ~~health plan managed care organization~~ to a provider for payment and has been denied in full or in part, or is presumed to have been underpaid or overpaid.

(b) “Disputed Claim Amount” means the difference between the expected reimbursement amount and the reimbursement received.

(c) “~~Health Plan Managed care organization~~” means for the purpose of this section only, a health maintenance organization or a prepaid health clinic certified under Chapter 641, Florida Statutes, a prepaid health plan authorized under Section 409.912, Florida Statutes, or an exclusive provider organization certified under Section 627.6472, Florida Statutes, or a major medical expense health insurance policy, as defined in Section 627.643(2)(e), Florida Statutes, offered by a group or an individual health insurer licensed pursuant to Chapter 624, Florida Statutes, including a preferred provider organization under Section 627.6471, Florida Statutes.

(d) “Provider” as defined in Chapter 641.19(15), Florida Statutes, means any physician, hospital, or institution, organization, or persons that services and is licensed or otherwise authorized to practice in the state.

(e) “Resolution organization” means a qualified independent third-party claim-dispute resolution entity selected by and contracted with the Agency for Health Care Administration.

(2) Jurisdictional amounts and methods of aggregation for claim disputes.

(a) Claims submitted for dispute resolution shall be submitted separately by the following claim categories:

1. Hospital inpatient services claims.
2. Hospital outpatient services claims.
3. Professional services claims.



(b) Entities filing a request for dispute resolution shall be permitted to aggregate claims. The minimum disputed claim amounts for claims submitted to the resolution organization shall be as follows:

1. Hospital inpatient services. Disputed individual claim amounts must be aggregated to a total amount of \$25,000 for HMO contracted hospitals and \$10,000 for non-contracted hospitals.

2. Hospital outpatient services. Disputed individual claim amounts must be aggregated to a total amount of \$10,000 for HMO contracted hospitals, and \$3,000 for non-contracted hospitals.

3. Professional services. Disputed individual claim amounts shall be aggregated to a minimum amount of \$500.

(c) Rural hospitals as defined in Chapter 395.602(2)(e), Florida Statutes, filing requests for claim dispute resolution, are exempt from the minimum disputed claim amounts specified in subparagraphs (b)1. and 2., of this rule.

(3) Application process.

(a) The resolution organization shall review claim disputes filed by either contracted and noncontracted providers, or ~~health plans managed care organizations~~. A request for dispute resolution and supporting documentation must be submitted in hard copy or electronically to the resolution organization in a format prescribed by the resolution organization.

(b) A complete copy of the request, including all supporting documentation, must be submitted to the adverse party at the same time.

(c) The resolution organization must review all requests for claim dispute resolution within 10 days after receipt to determine whether the request meets the statutory and rule criteria for submission to the resolution organization as specified in subparagraphs 408.7057(2)(b)1. through 7., and (d), Florida Statutes.

(d) If the resolution organization determines that the dispute resolution request does not meet the statutory and rule criteria, the request shall be returned to the entity filing the request.

(4) Review Process.

(a) Once the resolution organization determines that the application meets statutory and rule criteria, it must review the documentation submitted. The resolution organization must notify the entity requesting the dispute resolution and the adverse party electronically or by mail that the request for dispute resolution has been accepted for review.

(b) If the resolution organization determines that the documentation provided with the initial application is not sufficient, it may request additional documents from the entity filing the request for dispute resolution. The resolution organization shall require the health plan or provider submitting the claim dispute to submit any supporting documentation to the resolution organization within 15 days after receipt by the health plan or provider of a request from the

resolution organization for documentation in support of the claim dispute. Failure to submit the supporting documentation within such time period shall result in the dismissal of the submitted claim dispute within the timeframes specified by the resolution organization. Any additional documentation submitted to the resolution organization must be submitted to the adverse party at the same time.

(c) The resolution organization shall require the respondent in the claim dispute to submit all documentation in support of its position within 15 days after receiving a request from the resolution organization for supporting documentation. The resolution organization may extend the time if appropriate. Failure to submit the supporting documentation within such time period shall result in a default against the health plan or provider. In the event of such a default, the resolution organization shall issue its written recommendation to the agency that a default be entered against the defaulting entity. The written recommendation shall include a recommendation to the agency that the defaulting entity shall pay the entity submitting the claim dispute the full amount of the claim dispute, plus all accrued interest, and shall be considered a nonprevailing party for the purposes of this section. The adverse party may submit a response and documentation related to the disputed claim within timeframes specified by the resolution organization. If the documentation is submitted in a timely manner, it must be considered by the dispute resolution organization. The dispute resolution organization may request additional documentation from the adverse party within specified timeframes. Any additional information submitted by the adverse party to the resolution organization must be submitted to the entity filing the request for dispute resolution at the same time.

(d) The resolution organization shall issue a written recommendation, based on findings of fact, within 60 days after the requested information is received by the resolution organization within the timeframes specified by the resolution organization receipt of the request as specified in subsection 408.7057(3), Florida Statutes. In no event shall the review time exceed 90 days following receipt of the initial claim dispute submission by the resolution organization as specified in subsection 408.7057(3), Florida Statutes.

(e) The agency shall issue a final order within 30 days after receipt of the recommendations issued by the resolution organization. The agency shall enforce the final order as authorized under subsection 641.52(1)(e), Florida Statutes.

(5) Review Cost.

(a) The agency shall approve the review cost fee schedule proposed by the resolution organization.

(b) The entity that does not prevail in the agency's final order must pay the review costs.

(c) In the event that both parties prevail in part, the review fee shall be apportioned in proportion to the final judgement. The apportionment shall be based on the claim amount.

(d) If the non-prevailing party or parties fail to pay the ordered review costs within 35 days after the agency's final order, the non-paying party or parties are subject to a penalty of \$500 per day.

Specific Authority 408.7057 FS. Law Implemented 408.7057 FS. History—New 10-23-00, Amended 3-28-01.

NAME OF PERSON ORIGINATING PROPOSED RULE: Elfie Stamm, Senior Management Analyst, Bureau of Managed Health Care

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Elfie Stamm, Senior Management Analyst, Bureau of Managed Health Care

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 29, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 9, 2002

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Geologists**

RULE TITLE: Probable Cause Panel

RULE NO.: 61G16-1.011

PURPOSE AND EFFECT: This amendment to the rule clarifies the membership of the panel.

SUMMARY: This rule clarifies the membership of the panel.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 455.225(4), 492.103 FS.  
LAW IMPLEMENTED: 455.225(4) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Leon Biegalski, Executive Director, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

- 61G16-1.011 Probable Cause Panel.
- (1) No change.
- (2) As needed, one or more probable cause panels, consisting of three panelists each, shall be selected by, and shall serve at the pleasure of, the chairman of the board. One member of each panel may be a former board member.
- (3) No change.

Specific Authority 455.225(4), 492.103 FS. Law Implemented 455.225(4) FS. History—New 5-16-94, Amended 5-14-97.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Geologists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Geologists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 29, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 16, 2002

**DEPARTMENT OF HEALTH**

RULE TITLES:	RULE NOS.:
Registration Requirements, Amendments to Registration, Fees	64-2.001
Scope of Responsibility for Medical and Clinical Directors	64-2.002

PURPOSE AND EFFECT: In accordance with section 456.0375, F.S., the Department of Health is proposing a new rule to specify limitations on the number of registered clinics and licensees for which a medical or clinical director may assume responsibility. Additional rule amendments proposed are necessary for the continued implementation of the clinic registration program and will address changes to a clinic's original registration.

SUMMARY: The Department proposes to amend Rule 64-2.001, F.A.C., to allow for amendments to the registration requirements. New rule 64-2.002 is proposed to establish a maximum number of clinics and licensees for which a medical or clinical director may assume responsibility.

SPECIFIC AUTHORITY: 456.0375 FS.  
LAW IMPLEMENTED: 456.0375, 456.065(3) FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., September 26, 2002  
PLACE: Betty Easley Conference Center, Room 180, 4075 Esplande Way, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact Crystal Griffin, (850)245-4444 at least five (5) calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the department with respect to any matter considered at this hearing, they will need a record of proceedings, and for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, 4052 Bald Cypress Way, Bin C03, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64-2.001 Registration Requirements, Amendments to Registration, Fees.

(1) Registration Requirements.

(a) Effective October 1, 2001, every clinic as defined in Section 456.0375(1), F.S., must, within 60 days, or prior to the inception of the clinic's operation, register and maintain a valid registration with the Department of Health. To register, a clinic must submit ~~Such registration shall be accomplished by filing Form DH-4130, Application for Health Care Clinic Registration, to with the department. Form DH-4130, effective 8/01, is hereby adopted and incorporated by reference, and can be obtained from the Department of Health, Division of Medical Quality Assurance/Communications, at: 4042 Bald Cypress Way, Bin #C03 C04, Tallahassee, Florida 32399-32533254;~~ or via the internet at: [http://www.doh.state.fl.us/mqa/ClinicRegis/clinic\\_regis.html](http://www.doh.state.fl.us/mqa/ClinicRegis/clinic_regis.html). A clinic's application shall be processed according to the provisions of Section 120.60, F.S., and its registration shall be deemed effective on the date of issuance of the registration by the Department.

(b) through (d) No change.

(2) Amendments to Registration.

(a) In order to maintain a valid registration, each clinic shall within thirty (30) days of a change to the clinic's registration requirements, notify the Department of Health to amend the clinic's registration. Notification to the Department is required for changes to the:

1. Medical or clinical director, including provision of the license number, residence address, business address and phone number for the new medical or clinical director; and
2. address and phone number of the clinic.

(b) Each amendment of a clinic's registration shall be made on Form DH-MQA 1068, Health Care Clinic Registration Amendments, which shall be filed with the department. Form DH-MQA 1068, effective 9/02, is hereby adopted and incorporated by reference, and can be obtained from the Department of Health, Division of Medical Quality Assurance at the addresses provided in subsection (1)(a) above.

(3) Fees.

(a) The cost of registration and registration renewal shall be \$150.00.

(b) An additional five (5) dollar fee shall be added to the cost of registration and registration renewal to cover unlicensed activity, as required by Section 456.065(3), F.S.

(c) The fee for amending a clinic's registration as per subsection (2) of this rule, shall be \$25.00.

Specific Authority 456.0375 FS. Law Implemented 456.0375, 456.065(3) FS. History--New 11-25-01, Amended \_\_\_\_\_.

64-2.002 Scope of Responsibility for Medical and Clinical Directors.

A medical or clinical director shall not maintain responsibility for more than five (5) health care clinics, or oversee more than 200 licensees as that term is defined in s. 456.001(6), F.S.

Specific Authority 456.0375 FS. Law Implemented 456.0375 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry McPherson, Executive Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Amy Jones, Division Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 29, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 12, 2002

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE TITLE: Definitions RULE NO.: 64B3-2.003

PURPOSE AND EFFECT: The Board proposes to update the existing rule.

SUMMARY: The Board determined that manual pretesting includes direct primary inoculation of microbiology cultures.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 483.805(4), 483.811(2) FS.

LAW IMPLEMENTED: 483.803, 483.811, 483.821, 483.823 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-2.003 Definitions.

(1) through (19) No change.

(20) Manual Pretesting procedures means collecting and labeling specimens; initially separating specimens by centrifugation prior to testing; receiving specimens and

requisitions, processing, sorting, accessioning, prior to testing and delivering specimens to the appropriate testing sites; specimen processing for storage and shipping to a reference laboratory; routine cytopreparatory staining; and measuring and aliquoting specimens; and direct primary inoculation of microbiology cultures.

Specific Authority 483.805(4), 483.811(2) FS. Law Implemented 483.803, 483.811, 483.821, 483.823 FS. History—New 11-4-93, Formerly 61F3-2.003, Amended 11-21-94, 11-30-94, 12-26-94, 5-3-95, 7-12-95, Formerly 590-2.003, Amended 3-19-98, 12-13-98, 3-28-99, 9-12-99, 11-15-99, 3-24-02.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 21, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 12, 2002

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE TITLE: Curriculum Requirements for Clinical Laboratory Personnel Training Programs  
RULE NO.: 64B3-3.003

PURPOSE AND EFFECT: The Board proposes to add new language to the existing rule text.

SUMMARY: The Board found it necessary to clarify that programs not accredited by three national accrediting programs are those required to adopt Florida curriculum standards.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 483.805(4), 483.811(2) FS.  
LAW IMPLEMENTED: 483.800, 483.809, 483.811 FS.  
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-3.003 Curriculum Requirements for Clinical Laboratory Personnel Training Programs.

- (1) No change.
- (2) All programs not accredited by the National Accrediting Agency for Clinical Laboratory Science (NAACLS), the Council on Accreditation of Allied Health Education Programs (CAAHEP), or the Accrediting Bureau of Health Education Schools (ABHES) except for those in the categories of cytology, cytogenetics or histocompatibility shall adopt the curriculum standards defined in the Florida Department of Education Program Standards as designated in Section 229.565, F.S., for the categories in which training occurs as follows:
  - (a) through (d) No change.
  - (3) through (8) No change.

Specific Authority 483.805(4), 483.811(2) FS. Law Implemented 483.800, 483.809, 483.811 FS. History—New 5-9-95, Amended 12-4-95, 4-24-96, Formerly 590-3.003, Amended 3-19-98, 9-20-98, 1-11-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 21, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 12, 2002

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE TITLES: Application for Examination  
Examination for Licensure  
Reexamination  
Notification of Change of Address or Employing Facility  
RULE NOS.: 64B10-11.001  
64B10-11.002  
64B10-11.003  
64B10-11.012

PURPOSE AND EFFECT: The proposed amendments in these rules are intended to update and correct and/or clarify existing language, strike unnecessary language and promulgate new language pursuant to 2001 legislation.

SUMMARY: Rule 64B10-11.001 amendments incorporate an application for examination and promulgates new language pursuant to s. 456.013(7), F.S. Rule 64B10-11.002 amendments strikes unnecessary language and updates existing language. Rule 64B10-11.003 strikes unnecessary language. Rule 64B10-11.012 corrects the address for notification from nursing home administrators.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.017, 456.033(7), 456.035, 468.1685(1),(2),(5),(7),(8), 468.1695(1) FS.

LAW IMPLEMENTED: 456.017, 456.033(6), 456.035, 468.1685(2), 468.1695(1),(5),(7),(8) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-1753

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-11.001 Application for Examination.

(1) Any person desiring to be licensed as a nursing home administrator shall apply to the Department of Health to take the licensure examination. The application shall be made on a form DH-MQA-NHA002 (revised 6/13/02), hereby adopted and incorporated by reference, and can be obtained from the Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254 prepared and furnished by the Department. All applications for licensure must be submitted to the Board office at least 90 days prior to the administration of the examination. Otherwise, the application shall be considered for the next examination administration.

(2) ~~The Board shall require as~~ As a condition of certification of initial licensure, each that an applicant shall making initial application for licensure successfully complete:

(a) Aa Board-approved course on human immunodeficiency virus and acquired immune deficiency syndrome (HIV/AIDS). To receive Board approval, courses on HIV/AIDS shall consist of at least 3 hours of classroom instruction, which shall be approved by the Department of Health Medical Quality Assurance Division, or which meet the requirements of subsection 64B10-15.001(8), Florida Administrative Code, and

(b) A two (2) hour course on the prevention of medical errors, as required by s. 456.013(7), F.S. The course shall be Board-approved and must contain the following components: root cause; analysis; error reduction and prevention; and patient safety.

Specific Authority 456.033(7), 468.1685(1),(2), 468.1695(1) FS. Law Implemented 456.033(6), 468.1685(2), 468.1695(1) FS. History—New 12-26-79, Formerly 21Z-11.01, Amended 1-18-87, 10-2-88, 3-5-89, 3-15-90, 12-3-90, 11-3-92, Formerly 21Z-11.001, 61G12-11.001, Amended 12-4-95, 9-4-96, 7-21-97, Formerly 59T-11.001, Amended 5-15-00, \_\_\_\_\_.

64B10-11.002 Examination for Licensure.

(1) The Board approves the Nursing Home Administrators Examination developed and administered by the National Association of Boards of Examiners of Nursing Home Administrators ~~and specifies that this examination will be Part I of the examination administered by the Department of Health for the purposes of licensing.~~

(2) ~~Candidates' raw scores are converted to scaled scores ranging from 50 to 150; the minimum passing score shall be 113 on this scale. The Board may accept the applicant's score on the NAB exam taken in another state provided the exam was taken within 3 years prior to the Board's approval of the application for licensure in this state and the applicant's score was 113 or above.~~

~~(2)(3)(a) In addition to the national examination referenced in subsection (1) above, each applicant for licensure shall also take an Part II of the examination on the is also written and shall consist of sixty questions on those laws and regulations of the State of Florida which govern the operation of nursing homes. A raw score of forty five, which equals seventy five percent, is necessary to achieve a passing score on Part II.~~

(b) The following areas shall be tested on Part II of the examination and will be weighted approximately as designated:

STATUTE/RULE	ASSIGNED WEIGHT
Chapter 400, Florida Statutes (Nursing Home and Related Health Care Facilities)	32%
Chapter 59A-4, Florida Administrative Code (Minimum Standards For Nursing Homes)	25%
Chapter 64E-11, Florida Administrative Code (Food Hygiene)	15%
Chapter 765, Florida Statutes (Health Care Advance Directives)	8%
Chapter 64E-16, Florida Administrative Code (Biomedical Waste)	5%
Chapter 468, Part II, Florida Statutes (Nursing Home Administration)	5%
Chapter 64B10, Florida Administrative Code (Board of Nursing Home Administrators)	5%
Chapter 415, Florida Statutes (Adult Protective Services)	5%

(4) A passing score on each part is necessary in order to pass the examination.

Specific Authority 456.017, 468.1685(1), 468.1695(1) FS. Law Implemented 456.017, 468.1695(1) FS. History—New 12-26-79, Amended 3-1-82, 7-29-82, Formerly 21Z-11.02, Amended 1-18-87, 6-2-87, 12-3-90, Formerly 21Z-11.002, 61G12-11.002, Amended 7-16-95, Formerly 59T-11.002, Amended 5-15-00, \_\_\_\_\_.

64B10-11.003 Reexamination.

(1) No change.

~~(2) An applicant who fails any part of the licensing examination may retake the part or parts the applicant failed, upon submission to the Agency of a retake application and reexamination fee as established by Rule 64B10-12.003, Florida Administrative Code.~~

~~(2)(3) No change.~~

~~(4) The deadline for completed applications and fees is 40 days prior to each examination for which the application is submitted. Otherwise, the application shall be considered for the next examination administration.~~

Specific Authority 456.017(2), 468.1685(1) FS. Law Implemented 456.017(2) FS. History—New 12-26-79, Amended 3-1-82, 6-14-82, Formerly 21Z-11.03, Amended 3-5-89, 8-19-92, Formerly 21Z-11.003, 61G12-11.003, Amended 6-2-96, Formerly 59T-11.003, Amended 5-15-00.

64B10-11.012 Notification of Change of Address or Employing Facility.

(1) Within 48 hours of assuming or leaving a position as a nursing home administrator, assistant nursing home administrator or any change in the identity of the employing facility within the State of Florida, each licensee must inform ~~the Board office and~~ the Department of Health, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254 ~~Division of Health Quality Assurance, 2727 Mahan Drive, Tallahassee, Florida 32308~~, in writing of the exact date of assuming or leaving the position, or change in the identity of the facility.

(2) Each licensee shall keep the Board office informed of his current mailing residence address.

Specific Authority 456.035, 468.1685(1),(5),(7),(8) FS. Law Implemented 456.035, 468.1685(1),(5),(7),(8) FS. History—New 6-14-82, Formerly 21Z-11.12, 21Z-11.012, Amended 10-26-93, Formerly 61G12-11.012, Amended 10-17-94, 7-27-97, Formerly 59T-11.012, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing Home Administrators

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 19, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 9, 2002

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE TITLE: Application for Licensure

RULE NO.: 64B10-12.002

PURPOSE AND EFFECT: The application fee for licensure is reduced from \$250.00 to \$155.00.

SUMMARY: The Board has determined to reduce the application fee from \$250.00 to \$155.00.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 468.1685(1), 468.1695(2) FS.

LAW IMPLEMENTED: 468.1695(3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-1753

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-12.002 Application for Licensure.

The application ~~and examination~~ fee for licensure shall be one hundred fifty-five dollars (\$155.00) ~~two hundred fifty dollars (\$250.00)~~.

Specific Authority 468.1685(1), 468.1695(2) FS. Law Implemented 468.1695(3) FS. History—New 12-26-79, Formerly 21Z-12.02, Amended 1-22-90, Formerly 21Z-12.002, 61G12-12.002, 59T-12.002, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing Home Administrators

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 19, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 9, 2002

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE TITLE: Change of Status Fee

RULE NO.:

64B10-12.0105

PURPOSE AND EFFECT: Specific language in this proposed rule amendment is stricken.

SUMMARY: The Board proposes to strike specific language from this rule as it deems the language unnecessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.036(7),(8), 468.1685(1) FS.

LAW IMPLEMENTED: 456.036(7),(8) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-1753

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-12.0105 Change of Status Fee.

The fee for processing a licensee’s request to change licensure status ~~at any time other than at the beginning of a licensure cycle~~ shall be twenty-five dollars (\$25.00).

Specific Authority 456.036(7), (8), 468.1685(1) FS. Law Implemented 456.036(7), (8) FS. History–New 5-1-95, Amended 2-22-96, Formerly 59T-12.0105, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing Home Administrators  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 19, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 9, 2002

**DEPARTMENT OF HEALTH  
Board of Nursing Home Administrators**

RULE TITLES: RULE NOS.:  
Continuing Education for Licensure Renewal Criteria for Approved Continuing Education 64B10-15.001 64B10-15.002

PURPOSE AND EFFECT: Unnecessary language is being deleted and new language to require a course on medical errors is proposed for Rule 64B10-15.001, F.A.C. The least credit hour acceptable for continuing education programs is reduced from 3 to 1 in Rule 64B10-15.002, F.A.C.

SUMMARY: The Board proposes to amend Rule 64B10-15.001, F.A.C., to strike unnecessary language, for clarity of the rule text and to require a continuing education course on medical errors pursuant to s. 456.013(7), F.S. The proposed amendment in Rule 64B15.002, F.A.C., reduces the minimum credit hours per program course from 3 to 1.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.033, 468.1685(1), 468.1715(3), 468.1725 FS.

LAW IMPLEMENTED: 456.013, 456.033, 456.036(7),(8), 468.1715, 468.1725 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Taylor, Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-1753

THE FULL TEXT OF THE PROPOSED RULES IS:

64B10-15.001 Continuing Education for Licensure Renewal.

(1) No change.

~~(2) Beginning August 1, 1996, and each biennium thereafter,~~ Each license-holder shall complete forty (40) contact hours of continuing education in accordance with these rules. A license-holder shall not be permitted to receive more than fifteen (15) continuing education hours in any one topic for a single program.

~~(3) Failure to meet the continuing education requirement shall render the license ineligible for renewal, and the license shall revert to involuntary inactive status at the end of the biennium.~~

(4) through (7) renumbered (3) through (6) No change.

~~(7)(a)(8)~~ Licensees shall ~~may~~ include either the hours obtained from attendance at the HIV/AIDS course required under Section 456.033(1), F.S., or a course in end of life care and palliative health care that may be taken in lieu of the HIV/AIDS course pursuant to Section 456.033(9), F.S., as part of the hours required for biennial renewal, ~~up to a maximum of three hours.~~

(b) As a condition of biennial licensure renewal, each licensee must participate in a Board approved continuing education course on medical errors as required by s. 456.013, F.S. The course shall not be less than two (2) contact hours and must contain the following components: Root-cause analysis; error reduction and prevention; and patient safety.

(9) through (10) renumbered (8) through (9) No change.

Specific Authority 456.033, 468.1685(1), 468.1715, 468.1725 FS. Law Implemented 456.013(6), 456.033, 468.1715(3), 468.1725 FS. History–New 12-11-80, Amended 2-20-83, 5-2-84, Formerly 21Z-15.01, Amended 12-31-86, 2-26-89, 11-19-91, Formerly 21Z-15.001, 61G12-15.001, Amended 9-4-96, 10-20-96, 7-21-97, Formerly 59T-15.001, Amended 5-15-00, \_\_\_\_\_

64B10-15.002 Criteria for Approved Continuing Education.

(1) through (9) No change.

(10) The Board shall not accept credit for continuing education programs of less than 1 3 contact hours. Attendance credit in fractions of an hour shall not be granted.

Specific Authority 468.1685(1), 468.1715(3) FS. Law Implemented 456.013, 468.1715, 468.1725 FS. History--New 12-11-80, Amended 2-20-83, Formerly 21Z-15.02, Amended 6-22-87, 2-26-89, 12-6-89, 11-11-92, Formerly 21Z-15.002, 61G12-15.002, 59T-15.002, Amended 10-12-97, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Nursing Home Administrators  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 3, 2002 and August 19, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 9, 2002

**DEPARTMENT OF HEALTH**

**Division of Disease Control**

RULE TITLES:	RULE NOS.:
Notifiable Diseases or Conditions to be Reported, Human	64D-3.002
Procedures for Control of Specific Communicable Diseases	64D-3.013
Diseases Designated as Sexually Transmissible Disease	64D-3.015
Reporting Requirements for Practitioners for Sexually Transmitted Diseases (STDs) Including HIV and AIDS	64D-3.016
Reporting Requirements for Laboratories	64D-3.017
Partner Notification	64D-3.018
Blood Testing of Pregnant Women	64D-3.019

PURPOSE AND EFFECT: Amendments to the sexually transmitted disease (STD) rule are necessary to provide improved care for neonates and infants exposed to diseases through their mother. More timely reporting of certain conditions will enable health care providers to provide more preventive care to the affected infants. Other changes to the rule are being made to clarify responsibilities for agencies and professionals working with STDs.

SUMMARY: These proposed rule amendments of Chapter 64D-3 add herpes simplex virus and human papillomavirus to the list of notifiable diseases; designate herpes simplex virus and human papillomavirus as sexually transmissible and specify the reporting requirements for neonates and children diagnosed with these diseases; clarify the meaning of early prenatal visit; clarify the specific data elements needed when reporting cases; and add hepatitis B Antigen testing and offering of HIV testing.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 p.m. – 3:00 p.m. (EDST), September 30, 2002

PLACE: Department of Health, Bureau of STD, Conference Room 310, 2585 Merchants Row Blvd., Prather Building, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maresa R. Corder, RN, MPA, Bureau of STD, Department of Health, 4052 Bald Cypress Way, Bin A19, Tallahassee, FL 32399, (850)245-4605, Maresa\_Corder@doh.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

64D-3.002 Notifiable Diseases or Conditions to be Reported, Human.

(1) The following notifiable diseases or conditions are declared as dangerous to the public’s health or of public health significance.

(a) through (cc) No change.

(dd) Herpes simplex virus (HSV) in neonates and infants to six (6) months of age ~~Human Immunodeficiency Virus (HIV).~~

(ee) Human Immunodeficiency Virus (HIV).

(ff) Human papillomavirus (HPV) in neonates and children through twelve (12) years of age.

(ee) through (rrr) renumbered (gg) through (ttt) No change.

(2) No change.

Specific Authority 381.0011(13), 381.003(2), 381.0031(6), 384.33, 392.53(2), 392.66 FS. Law Implemented 381.0011(4), 381.003(1), 381.0031(1), (2), (6), 384.23, 384.25, 385.202, 392.53 FS. History--New 12-29-77, Amended 6-7-82, 11-6-85, Formerly 10D-3.62, Amended 2-26-92, 9-7-93, 11-1-94, 7-21-96, Formerly 10D-3.062, Amended 11-2-98, 7-5-99, 6-4-00, \_\_\_\_\_.

64D-3.013 Procedures for Control of Specific Communicable Diseases.

(1) through (5) No change.

(6) Perinatal Hepatitis B.

(a) All pregnant women shall be routinely tested for the hepatitis B surface antigen (HBsAg) at the time of the first examination relating to the current pregnancy. Pregnant women who tested negative at the first visit and are considered high-risk for hepatitis B infection shall have a second HBsAg test performed at 28 to 32 weeks of pregnancy during an early prenatal visit in each pregnancy. This test shall be performed at the same time that other routine prenatal screening is ordered, ~~and~~ and all HBsAg-positive pregnant women shall be reported to the local county health department.

(b) Infants born to HBsAg-positive mothers shall receive hepatitis B immune globulin and hepatitis B vaccine once they are physiologically stable, preferably within 12 hours of birth



and shall complete the hepatitis B vaccine series according to the recommended vaccine schedule. Testing infants for HBsAg and antibody to hepatitis B surface antigen (anti-HBs) six (6) months after the completion of the hepatitis B vaccine series is recommended to monitor the success or failure of therapy. A positive HBsAg result in any child aged 24 months or less shall be reported to the local county health department within 24 hours.

(c) through (d) No change.

(7) No change.

Specific Authority 381.0011(6), (13), 381.003(2), 381.006(16), 384.25(2), 384.33 FS. Law Implemented 381.0011(4), (6), (8), 381.003(1), 381.0031, 384.25, 384.27 FS. History—New 12-29-77, Amended 6-14-78, 6-7-82, 11-6-85, Formerly 10D-3.91, Amended 7-5-87, 7-19-89, 2-26-92, 10-20-93, 11-1-94, 7-21-96, Formerly 10D-3.091, Amended 7-5-99, 6-4-00, \_\_\_\_\_.

64D-3.015 Diseases Designated as Sexually Transmissible Diseases.

(1) The following diseases are designated as sexually transmissible diseases for the purposes of Chapter 384, F.S., and this rule:

(a) through (f) No change.

(g) Herpes simplex virus in neonates and infants to six (6) months of age Human Immunodeficiency Virus Infection.

(h) Human Immunodeficiency Virus Infection Lymphogranuloma Venereum.

(i) Human papillomavirus in neonates and children through twelve (12) years of age Syphilis.

(j) Lymphogranuloma Venereum.

(k) Syphilis

(2) No change.

Specific Authority 381.0011(13), 381.003(2), 384.25(2), 384.33 FS. Law Implemented 381.0011(4), (8), 381.003(1), 384.23, 384.25 FS. History—New 7-5-87, Amended 9-7-93, 5-20-96, 1-1-97, Formerly 10D-3.096, Amended 7-5-99, 6-4-00, \_\_\_\_\_.

64D-3.016 Reporting Requirements for Practitioners for Sexually Transmissible Diseases (STDs), Including HIV and AIDS.

(1) Each practitioner licensed under Chapters 458, 459 and 464, F.S., who makes a diagnosis of or treats a sexually transmissible disease, as defined in Rule 64D-3.015, F.A.C., shall report such information to the local county health department as follows:

(a) Except for the special reporting requirements for AIDS, HIV infection and early syphilis listed in paragraphs 64D-3.016(1)(c) and (d), F.A.C., herpes simplex virus and human papillomavirus infections listed in paragraph 64D-3.016(1)(e) and (f), F.A.C., and for hepatitis A and B as indicated in subsection 64D-3.002(2), Rules 64D-3.004 and 64D-3.006, F.A.C., all reports shall be submitted within three (3) working days from diagnosis.

(b) Except for AIDS and HIV, as indicated in paragraph 64D-3.016(1)(c), F.A.C., and hepatitis A and B as indicated in subsection 64D-3.002(2), F.A.C., all reports of sexually

transmissible diseases shall be completed and submitted on the Florida Confidential Report of Sexually Transmitted Diseases, DH 720, ~~10/97~~. The form, incorporated by reference in this rule, will be furnished by the local county health department.

(c) All cases of AIDS which meet the Centers for Disease Control and Prevention case definition of AIDS and all positive tests to diagnose HIV infection obtained from specimens collected on or after the effective date of this rule shall be reported. Examples of tests to diagnose HIV infection and antibody-based test systems such as repeat ELISA positives followed by a confirmatory test, and antigen tests such as p24 antigen or polymerase chain reaction (PCR) when these are used for confirmatory purposes. Indeterminate test results and unconfirmed positive antibody tests are not reportable. Reporting shall be as follows:

1. AIDS cases and HIV infection shall be reported on the Adult or Pediatric HIV/AIDS Confidential Case Report form, CDC 50.42A Rev. 01/2000 ~~Rev. 7-93~~ or CDC 50.42B Rev. 9/96, respectively, which are incorporated by reference in this rule. The forms shall be furnished by the Department of Health, Bureau of HIV/AIDS, 4052 Bald Cypress Way, Bin A-09, Tallahassee, Florida 32399-1715, or by the local county health department.

2. Reports must be submitted within two (2) weeks of the diagnosis. Reports shall be submitted to the local county health department.

(d) Reports shall contain the following information:

1. Patient's Name.

2. Patient's Address including City and State.

3. Patient's contact telecommunication number, i.e., hard-line telephone, cellular phone, beeper, etc. (if available).

4. Date of Birth.

5. Sex.

6. Race and/or Ethnicity (if available).

7. Social Security Number (if available).

8. Diagnosis.

9. Treatment.

10. Provider's Name.

11. Provider's Address including City and State.

In lieu of an independently prepared report, the provider may elect to use the Florida Confidential Report of Sexually Transmitted Diseases, DH 720 form.

~~(e)(4)~~ All cases of early syphilis shall be reported by telephone to the local county health department within 24 hours of diagnosis.

(f) All cases of herpes simplex virus in neonates and infants to six (6) months of age shall be reported to the local county health department within 24 hours of diagnosis. These reports shall be submitted using the Standard STD Morbidity Report Card which is incorporated by reference in this rule and furnished by the county health department.

(g) All cases of human papillomavirus infection in neonates and children through twelve (12) years of age shall be reported to the local county health department within two (2) working days of diagnosis. These reports shall be submitted using the Standard STD Morbidity Report Card which is incorporated by reference in this rule and furnished by the county health department.

(2) No change.

Specific Authority 381.0011(13), 381.003(2), 381.0031(6), 384.25(2), 384.33 FS. Law Implemented 381.0011, 381.003(1), 381.0031, 384.25 FS. History—New 7-5-87, Amended 2-7-90, 2-26-92, 5-20-96, 1-1-97, Formerly 10D-3.097, Amended 6-7-98, 8-5-99, 6-4-00.

64D-3.017 Reporting Requirements for Laboratories.

(1) Each person who is in charge of a laboratory responsible for collecting the specimen or receiving the initial order for testing the specimen for a sexually transmissible disease as defined in Rule 64D-3.015, F.A.C., shall report its finding to the local county health department as follows:

(a) No change.

(b) Reporting shall be within 24 hours for positive tests for herpes simplex virus in neonates through infants six (6) months of age.

(c) Reporting shall be within 24 hours for positive tests for human papillomavirus in neonates through children twelve (12) years of age.

(b) through (c) renumbered (d) through (e) No change.

(d)(f) Identifying information required on the report is as follows:

1. through 3. No change.

4. Race and ethnicity (if available).

5. Sex.

6. Social Security Number (if available).

7. Address and telephone number of the person from whom the specimen was obtained.

7. through 8. renumbered 8. through 9. No change.

(e) through (f) renumbered (g) through (h) No change.

(2) The practitioner who first authorizes, orders, requests or submits a specimen shall be responsible for obtaining and providing the information required in (f) above at the time the specimen is sent to or received by the laboratory.

(3)(2) Each laboratory licensed to perform tests for sexually transmissible diseases shall make its records for sexually transmissible diseases available for on-site inspection by the department or its authorized representatives.

Specific Authority 381.0011(13), 381.003(2), 381.0031(6), 384.25(2), 384.33 FS. Law Implemented 381.0011(4), 381.003(1)(c), 381.0031, 384.25 FS. History—New 7-5-87, Amended 2-26-92, 5-20-96, 1-1-97, Formerly 10D-3.099, Amended 6-4-00.

64D-3.018 Partner Notification.

(1) Partner counseling and referral services are provided only by sexually transmitted disease professionals employed by the department, who, The department and its authorized

representatives, when deemed necessary to protect public health, shall interview, or cause to be interviewed, all persons infected or suspected of being infected with a sexually transmissible disease.

(2) through (3) No change.

Specific Authority 381.0011(13), 381.003(2), 381.0031(6), 384.25(2), 384.33 FS. Law Implemented 381.0011(4), 381.003(1)(c), 384.26 FS. History—New 7-5-87, Amended 2-7-90, 2-26-92, Formerly 10D-3.100, Amended

64D-3.019 Blood Testing of Pregnant Women.

(1) Each practitioner licensed under Chapter 458, 459, or 464, F.S., or midwife licensed under Chapter 467, F.S., who attends a pregnant woman for conditions relating to pregnancy during the period of gestation and delivery, shall take or cause to be taken a sample of venous blood, and shall submit the sample to an approved laboratory for a standard blood test for syphilis and hepatitis B surface antigen (HBsAg). The practitioner shall also provide counseling and offer the pregnant woman an HIV test.

(2) through (3) No change.

(4) A blood sample shall be taken for testing on pregnant women who appear at delivery with no record of a blood test for hepatitis B surface antigen (HBsAg) during pregnancy.

(5) Any pregnant woman who appears at delivery with no record of a blood test for HIV during pregnancy shall be counseled and offered an HIV test.

(6)(4) Practitioners required by law to report births and stillbirths shall record on such report the date or approximate date a blood test for syphilis was made on the woman who bore the child. In no case shall the result of the test be recorded on the birth certificate.

(7)(5) The practitioner submitting the blood sample for such test shall state that this is a blood test for hepatitis B surface antigen (HBsAg), HIV, or syphilis on a pregnant woman.

(8)(6) The department is authorized to use the information from blood tests for syphilis, hepatitis B, or HIV in women for such follow-up procedures as required by law or deemed necessary by the department for the protection of public health.

(9)(7) Form Availability – The form to be used to report results of a blood test for syphilis in a pregnant woman is the Florida Confidential Report of Sexually Transmitted Diseases, DH 720, which is incorporated by reference in paragraph 64D-3.016(1)(b), F.A.C.

Specific Authority 381.0011(13), 381.003(2), 384.25, 384.33 FS. Law Implemented 381.0011(4), 381.003(1)(c), 384.25, 384.26, 384.31 FS. History—New 7-5-87, Amended 2-26-92, Formerly 10D-3.101, Amended 8-5-99, 6-4-00.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Karla Schmitt, Bureau Chief, Bureau of Sexually Transmitted Diseases

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Maresa R. Corder

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 3, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 16, 2002

Section III  
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NO.: 4-203.100  
RULE TITLE: Prescribed Forms

NOTICE OF WITHDRAWAL

Notice is hereby given that the proposed amendments to the above referenced rules, as noticed in Vol. 28, No. 22, May 31, 2002, Florida Administrative Weekly, have been withdrawn.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE NO.: 5F-8.005  
RULE TITLE: Requests for Inspections, Reinspections

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 32, (August 9, 2002) issue of the Florida Administrative Weekly.

(9) No change.

(a) A Department Inspector will count the number of carrier units or tubs per ride. The number of carrier units or tubs per ride is based on the manufacturer's intended configuration of the ride in order to make it fully operational. Upon inspection of a ride if evidence exists that indicates the ride has been altered from the original manufacturer's configuration by removing carrier units or tubs, then the ride must be inspected by a professional engineer in accordance with Section 616.242(12), F.S. Lacking the manufacturer's guidance on proper configuration of carrier units or tubs, the department's inspector will evaluate the ride and make a recommendation to the Bureau for final determination. Arbitrary reduction of carrier units by operators are not permitted.

(b) No change.

Specific Authority ~~616.241~~, 616.242 FS. Law Implemented ~~616.241~~, 616.242 FS. History--New 9-15-92, Amended 2-23-94, 5-27-96, 9-23-97, 2-15-99, 3-21-00, \_\_\_\_\_.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE NO.: 5K-4.020  
RULE TITLE: Food Permits; Requirements and Fees

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(d)1., F.S., published in Vol. 28, No. 32, July 9, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

THE FULL TEXT OF THE RULE CHANGE IS:

5K-4.020 Food Permits; Requirements and Fees.

(1) through (6) No change.

(7) Recovery of Cost for Reinspections.

(a) A food establishment shall pay a fee of \$110 to the department for recovery of the cost incurred to provide each reinspection of the food establishment. For the purposes of this section, a reinspection refers to any inspection conducted for the purpose of verifying compliance with Chapter 500, F.S., or the rules promulgated thereunder, following a previous unsatisfactory inspection. Such unsatisfactory inspection shall be indicated by issuance of an inspection report listing conditions which are not in compliance and which, when viewed as a whole, are more likely to contribute to food contamination, illnesses or environmental health hazards.

(b) Nothing in this section shall prohibit the department from imposing additional sanctions for violations of Chapter 500, F.S., or the rules promulgated thereunder. The costs of reinspection ~~will may be included in any administrative action taken against the establishment for violations of Chapter 500 or this Chapter, or may be billed separately~~ by invoice of the department. ~~If the cost of reinspection is billed separately by invoice,~~ and the reinspection fee shall be paid within 21 days receipt thereof. Failure to timely pay a reinspection fee is a violation of this chapter and shall be grounds for suspension of the establishment's food permit.

(c) The fee established for a reinspection shall include the average cost per inspection for inspectors' salary, benefits, travel, training, equipment, supervision, and other costs or charges directly related to administration of the food establishment inspection program.

(d) The fee shall be applicable for each reinspection regardless of whether the reinspection is satisfactory or unsatisfactory. Provided however, a fee for reinspection shall not be required when both of the following conditions are met: